

Before the  
Federal Communications Commission  
Washington D.C. 20554

In the Matter of )  
 )  
Telecommunications Relay Services and )  
Speech-to-Speech Services for ) CG Docket No. 03-123  
Individuals with Hearing and Speech )  
Disabilities )  
\_\_\_\_\_ )

**PETITION FOR CLARIFICATION OR RULEMAKING  
ON AUTOMATED DATA COLLECTION**

CSDVRS, LLC (“CSDVRS”), by and through counsel and pursuant to FCC Rule Section 1.401 *et seq.*, petitions the Federal Communications Commission (“FCC” or the “Commission”) to clarify that 47 C.F.R. §64.604(c)(5)(iii)(C) requires automated data collection by video relay service (VRS) providers. Currently, that regulation reads as follows:

(C) *Data collection from TRS providers.* TRS providers shall provide the administrator with true and adequate data, and other historical, projected and state rate related information reasonably requested by the administrator, necessary to determine TRS Fund revenue requirements and payments. TRS providers shall provide the administrator with the following: total TRS minutes of use, total interstate TRS minutes of use, total TRS operating expenses and total TRS investment in general accordance with part 32 of this chapter, and other historical or projected information reasonably requested by the administrator for purposes of computing payments and revenue requirements. The administrator and the Commission shall have the authority to examine, verify and audit data received from TRS providers as necessary to assure the accuracy and integrity of TRS Fund payments.

Although the regulation contains some detail about the content of the data that TRS providers are to report to the National Exchange Carriers Administration (NECA), it does not specify how and in what manner this data is to be collected. As a consequence, it appears that some providers of video relay services (“VRS”) allow their video interpreters (“VIs”) to record the session and

conversation minutes manually without the assistance of automated equipment. CSDVRS believes that the use of such a manual procedure cannot “provide the administrator with true and adequate data” as is required by the rule, and that such method instead invites mistake and/or fraud through the possible manipulation of data records. In order to curb such potential abuse, CSDVRS respectfully requests that the Commission clarify the need to use automatic methods to ascertain and report the onset and conclusion of session and conversation minutes. In the unlikely event that the Commission does not believe this to already be a firm requirement under Section 47 C.F.R. §64.604(c)(5)(iii)(C), CSDVRS alternatively urges the FCC to amend this rule to require TRS data collection to be fully automated. CSDVRS further urges the FCC to issue such clarification or initiate a new rulemaking proceeding in an expeditious fashion to ensure the integrity of the Interstate TRS Fund (“Fund”).

***Manual Data Collection Invites Mistake and Facilitates Fraud***

During the course of a VRS call, a provider must capture its session minutes and actual conversation minutes in order to prepare adequate billing for NECA. Specifically, providers must report the time on four separate occasions: (1) when the call session is initiated; (2) when the conversation actually begins; (3) when the conversation actually ends; and (4) when the call session terminates. When a VRS call is initiated, there is a lot going on: the VI must first acquaint him or herself with the language and communication style of the caller (including any special terminology or instructions concerning the context of the call), get the telephone number of the party that is being called, place the call to the destination party, and when the call is connected, provide an explanation of VRS to that party, if necessary.

These above tasks can be challenging in and of themselves; when time tracking is performed manually, it adds to the pressure of completing all of these functions swiftly and

accurately. Even under the best of circumstances, accurately obtaining and reporting session and conversation times can prove daunting. The likelihood of making mistakes when the reporting of such data is performed manually by the VI is further exacerbated by the need for the interpreter to systematically capture precise minutes to the nearest tenth of a second, all the while giving his or her undivided attention to the call in progress. Such a methodology is ripe for unintentional mistakes and can invariably lead to overbilling of the Fund. Even worse, the manual collection of data can facilitate fraud. More specifically, when there is no independent automated variable tracking the actual session and conversation times, a VI could easily fabricate the amount of time spent in a call session or in a conversation.

***Need for Immediate Action***

There is no question that lawmakers need to keep a watchful eye on how monies are collected for and distributed from the Fund. In order to preserve the integrity of the Fund, and ensure that all providers are reporting reimbursable minutes in an accurate and consistent fashion, CSDVRS believes it is in the best interests of all parties involved for the Commission to act expeditiously in either clarifying the obligation to automate VRS data collection procedures or, if the FCC deems it necessary, to adopt the following amendments to 47 C.F.R. §64.604(c)(5)(iii)(C):

- 1) Data collection must be fully computer automated to include the precise timing of conversation and session minutes to the nearest thousandth of a minute;
- 2) VRS providers must produce reports confirming the existence and functionality of the automated systems referenced in subsection (1);

- 3) VRS providers must ensure that VIs are not able to intervene in any manner in the collection or interpretation of data pertaining to the onset and termination of session and conversation minutes;
- 4) The Commission must maintain the power to audit any certified or “white label” provider to ensure compliance with the automated procedures established for the purposes of carrying out this section.

To the extent that the FCC is willing to issue a clarification on this issue, CSDVRS requests the FCC to issue such clarification to ensure proper billing methodologies are in place for the next annual billing cycle, beginning July 1, 2009. In the event that the FCC believes a new rule is needed to require automated data collection procedures, CSDVRS urges an expedited rulemaking and a three month window at the conclusion thereof for all VRS providers to come into compliance.

Respectfully submitted,

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